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| EXAMINER |
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FLETCHER, JAMES A

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2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/615,789

Applicant(s)

OKADA ET AL.

Examiner

JAMES A. FLETCHER

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 14 May 2008 have been fully considered but they are not persuasive.

**In re page 9**, Applicant's Representative states: "Robinett is directed to connection queues being prioritized based upon bursty data with no specific continuity."

The Examiner agrees with this statement, but respectfully feels the A/R did not continue with Robinett et al's disclosure of "no bit rate requirement," which indicates that the data cannot be tied to a clock, or "synchronous" data as the contested claim language recites.

**Further in re page 9**, Applicant's Representative states: "as shown in FIG. 2 of Robinett, the interface 140 is an asynchronous transfer interface. Robinette does not teach or suggest assigning priority on the basis of the synchronous transfer or asynchronous transfer. Indeed, in view of the foregoing statement in Robinett, the reference arguably teaches away from the subject matter set forth in claim 3"

The Examiner respectfully disagrees. In addition to disclosing an asynchronous interface 140 in FIG. 2, Robinett et al also disclose a synchronous interface 150 in FIG. 2, and explicitly discloses how the synchronous interface needs to be prioritized over the asynchronous interface in Column 14, lines 9-14, since it is tied to a clock and must be processed based on that clock. Clearly, if a task must be done at a given time, it must have priority over tasks that are more loosely scheduled.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-3, 9-13, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinett et al (6,351,474).

**Regarding claim 3**, Robinett et al disclose an audio-visual data recording/reproducing device for recording/reproducing stream data that are transferred synchronously with a display timing, comprising:

- a stream data input/output interface for inputting/outputting the stream data from/to an external device (Col 6, lines 32-35 “The data link control circuit has an input port for receiving transport streams and an output port for transmitting transport streams”);
- a timestamp adding and recording portion for generating timestamped data to which a timestamp corresponding to the display timing has been added based on the stream data that are input via the stream data input/output interface and for recording the timestamped data in a recording medium (Col 7, lines 16-21 “each descriptor is [also] used to record a receipt time stamp, indicating when a transport packet is received at an input port, or a dispatch time stamp, indicating the time at which a transport packet is to be transmitted from an output port”);

- a stream data reproducing portion for reproducing stream data based on timestamped data that are read from the recording medium, in order to output the stream data via the stream data input/output interface (Col 7, lines 31-36 “At a time corresponding to a dispatch time recorded in each retrieved descriptor, the data link control circuit transmits the retrieved transport packet to which each retrieved descriptor points in a time slot of the outputted transport stream corresponding to the dispatch time recorded in the retrieved descriptor”);
- an asynchronous input/output interface for inputting/outputting from/to the external device (Col 9, lines 21-26 “An asynchronous interface [e.g., an Ethernet interface, ATM interface, etc.] is connected to the remultiplexer node processor [e.g., via a bus] for receiving a video program bearing bit stream from a communication link having a varying end-to-end transmission delay”), timestamped data having a timestamp added thereto that are transferred asynchronously with the display timing (Col 9, lines 26-30 “The processor determines a time at which each of one or more received packets carrying data of the same program of the received bit stream should appear in an outputted TS based on a plurality of time stamps of the program carried in the received bit stream”);
- an asynchronous transfer data recording portion for recording the timestamped data that are input via the asynchronous input/output interface in the recording medium (Col 13, lines 2-7 “the storage device 40 can store TSs

information or data produced by the remultiplexer 30, such as transport packets extracted or copied from the inputted TSs TS1, TS2 or TS3, other information received at the remultiplexer 30 or information generated by the remultiplexer 30"); and

- an asynchronous transfer data reproducing portion for reading timestamped data from the recording medium, in order to output the timestamped data via the asynchronous input/output interface (Col 12 lines 42-45 "The I/O device 29 is any suitable I/O device 29 for communicating with the remultiplexer 30, depending on how the remultiplexer 30 is implemented").
- wherein synchronous transfer is performed with higher preference than asynchronous transfer (Col 41, lines 3-6 "connection queues with descriptors pointing to transport packets containing bursty data with no specific continuity, propagation delay or bit rate requirement, are assigned the lowest priority").

**Regarding claim 2**, Robinett et al disclose an audio-visual data recording/reproducing device comprising said recording medium in which the timestamped data are recorded (Col 12 lines 42-45 "The I/O device 29 is any suitable I/O device 29 for communicating with the remultiplexer 30, depending on how the remultiplexer 30 is implemented").

**Regarding claim 9**, Robinett et al disclose an audio-visual data recording/reproducing device wherein the synchronous transfer and the asynchronous transfer can be performed in parallel (Col 49, lines 17-22 "multiple remultiplexer nodes 100 may be interconnected to each other by various communication links, the adaptor

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110, and interfaces 140 and 150. Each of these remultiplexer nodes 100 may be controlled by the controller 20 (FIG. 1) to act in concert as a single remultiplexer 30”).

**Regarding claim 10**, Robinett et al disclose an audio-visual data recording/reproducing device wherein at least one of the transfer bands of the synchronous transfer and the asynchronous transfer can be set in a variable manner (Col 49, line 66 – Col 50, line 3 “bursty devices 200 may also be provided for purposes of injecting and/or extracting data into the TSs, e.g., the TS20. For example, the bursty device 200 may be a server that provides internet access, a web server a web terminal, etc.”).

**Regarding claim 11**, Robinett et al disclose an audio-visual data recording/reproducing device comprising a buffer memory for holding the timestamped data associated with the synchronous transfer and the timestamped data associated with the asynchronous transfer (Col 15, lines 50-60 “When transmitting packets, the data link control circuit 112 retrieves descriptors for outgoing transport packets from the cache 114 and transmits the corresponding transport packets in time slots of the outgoing TS that occur when the time of the reference clock generator 113 approximately equals the dispatch times indicated in the respective descriptors. The data link control circuit 112 furthermore performs any final PCR correction in outputted transport packets as necessary so that the PCR indicated in the transport packets is synchronized with the precise alignment of the transport packet in the outgoing TS”), wherein a ratio between a size of a region where the timestamped data associated with the synchronous transfer and a size of a region where the timestamped data associated

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with the asynchronous transfer in the buffer memory is set in accordance with the setting of the transfer bands (Col 42, lines 55-61 “the processor 160 may choose to insert bursty data into only some vacant transport packet time slots, choose to insert bursty data into alternate or spaced apart transport packet time slots or choose not to insert bursty data into any vacant transport packet time slots, so as to regulate the transmission of data to, or to prevent overflow of, an assumed receiver bursty data buffer”).

**Regarding claim 12**, Robinett et al disclose an audio-visual data recording/reproducing device comprising:

- an encryption portion for encrypting the timestamped data that are input via the asynchronous input/output interface and that are recorded in the recording medium by the asynchronous transfer data recording portion (Col 14, lines 14-16 “the remultiplexer node 100 can have an optional scrambler/descrambler [which may be implemented as an encryptor/decryptor]”); and
- a decryption portion for decrypting the timestamped data that are read from the recording medium by the asynchronous transfer data reproducing portion and that are transferred to the external device via the asynchronous input/output interface (Col 14, lines 14-16 “the remultiplexer node 100 can have an optional scrambler/descrambler [which may be implemented as an encryptor/decryptor]”).



**Regarding claim 13**, Robinett et al disclose an audio-visual data recording/reproducing device wherein the encryption portion and the decryption portion perform encryption or decryption, using key information that is unique to the audio-visual data recording/reproducing device (Col 17, lines 47-50 “The field 129-9 is for storing a scrambling/descrambling control word or other information for use in scrambling or descrambling”).

**Regarding claim 15**, Robinett et al disclose an audio-visual data recording device for recording stream data that are transferred synchronously with a display timing, comprising:

- a stream data input interface for inputting the stream data from an external device (Col 6, lines 32-35 “The data link control circuit has an input port for receiving transport streams and an output port for transmitting transport streams”); and
- a timestamp adding and recording portion for generating timestamped data to which a timestamp corresponding to the display timing has been added thereto based on the stream data that are input via the stream data input interface and for recording the time stamped data in a recording medium (Col 7, lines 16-21 “each descriptor is (also) used to record a receipt time stamp, indicating when a transport packet is received at an input port, or a dispatch time stamp, indicating the time at which a transport packet is to be transmitted from an output port”);

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- an asynchronous input interface for inputting timestamped data already having a timestamp added thereto that are transferred asynchronously with the display timing from the external device (Col 9, lines 21-26 “An asynchronous interface [e.g., an Ethernet interface, ATM interface, etc.] is connected to the remultiplexer node processor [e.g., via a bus] for receiving a video program bearing bit stream from a communication link having a varying end-to-end transmission delay” and Col 9, lines 26-30 “The processor determines a time at which each of one or more received packets carrying data of the same program of the received bit stream should appear in an outputted TS based on a plurality of time stamps of the program carried in the received bit stream”); and
- an asynchronous transfer data recording portion for recording the timestamped data that are input via the asynchronous input interface in the recording medium (Col 12 lines 42-45 “The I/O device 29 is any suitable I/O device 29 for communicating with the remultiplexer 30, depending on how the remultiplexer 30 is implemented”).

**Regarding claim 16,** Robinett et al disclose an audio-visual data reproducing device for reproducing timestamped data to which a timestamp corresponding to a display timing has been added thereto that are recorded on a recording medium and for transferring the timestamped data as stream data that are synchronous with the display timing to an external device, comprising:

- a stream data reproducing portion for reading the timestamped data recorded in the recording medium (Col 12 line 66 – Col 13 line 2 “The storage device 40 can produce TSs or data as inputted, to-be-remultiplexed information for remultiplexing into the outputted TSs TS4 or TS5 by the remultiplexer 30”), for eliminating the timestamp from the timestamped data and for outputting the stream data with a timing based on the timestamped data (Col 9, lines 26-30 “The processor determines a time at which each of one or more received packets carrying data of the same program of the received bit stream should appear in an outputted TS based on a plurality of time stamps of the program carried in the received bit stream”); and
- a stream data output interface for outputting, to the external device, the stream data that are output from the stream data reproducing portion (Col 12 lines 42-45 “The I/O device 29 is any suitable I/O device 29 for communicating with the remultiplexer 30, depending on how the remultiplexer 30 is implemented”);
- an asynchronous output interface for outputting, to the external device, the timestamped data having the timestamp added thereto that are transferred asynchronously with the display timing (Col 12 lines 42-45 “The I/O device 29 is any suitable I/O device 29 for communicating with the remultiplexer 30, depending on how the remultiplexer 30 is implemented”); and
- an asynchronous transfer data reproducing portion for reading the timestamped data from the recording medium, in order to output the

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timestamped data via the asynchronous output interface (Col 9, lines 19-21 “a method is provided for re-timing video program bearing data received via an asynchronous communication link”).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinett et al.

**Regarding claims 4-8**, Robinett et al disclose setting priorities for synchronous and asynchronous data as analyzed and discussed above regarding claim 3, but do not specify means of implementing those priorities.

The Examiner takes official notice that interrupting and pausing a low priority task to perform a high priority task, or delaying a low priority task while a high priority task is being performed is notoriously well known, and based on common sense would provide the user with high priority data before low priority data,

Therefore, it would have been obvious to one of ordinary skill in the art to modify Robinett et al to use various methods of implementation of priorities such as interrupting low priority data transfer in favor of high priority interrupt,

**Regarding claim 14**, Robinett et al are silent regarding reasons for encryption.

The Examiner takes official notice that encryption for the sake of protecting copyrighted material is notoriously well known, and provides the copyright holder with a reliable means of preventing unauthorized use of protected material.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Robinett et al in order to encrypt based on copyright.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. FLETCHER whose telephone number is (571)272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2623

JAF  
22 July 2008